## Michael Faillace & Associates, P.C.

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Friday, January 11, 2008

## VIA FACSIMILE / (212) 805-0426

Hon. Laura T. Swain Daniel Patrick Moynihan United States Courthouse 500 Pearl St., Room 755 New York, NY 10007



Rc:

Scrafin Rios and Patrocinio Rios v. Neighborhood Construction Corp. and Dilber Kukic., U.S.D.C., S.D.N.Y., Index No. 07-CV-8701 (LTS)

Dear Judge Swain:

I represent the plaintiffs in the above action for unpaid wages and other relief under the FLSA, the New York Labor Law, and regulations. I am writing (as instructed by the court deputy) to request an adjournment of the preliminary conference scheduled for January 18, 2008 because the defendants have not answered the complaint.

For the Court's information, the Complaint (filed on October 9, 2007) was served on the corporate defendant (Neighborhood Construction Corp.) on November 27, 2007, and on the individual defendant (Dilber Kukic) on November 9, 2007. We have not been contacted by the defendants, or by counsel on their behalf, and we intend to move for judgment by default.

The conformice is adjourned to

March 18, 2008, at 4:15 pm

Counsel's attention is directed to the

provisions of the undersigned's

Very truly yours,

Michael Faillace

Individual Practices Rules regarding default judgment application procedures.

SO ORDERED.